रजिस्ट्री सं० डी-(डी)-72 REGISTERED No. D-(D)-72

भारत का राजपत्र
The Gazette of India

असाधारण
EXTRAORDINARY
भाग II—खण्ड 2
PART II—Section 2
प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं० 20] नई दिल्ली, शुक्रवार, जनवरी 30, 1976/माघ 10, 1897
No. 20] NEW DELHI, FRIDAY, JANUARY 30, 1976/MAGHA 10, 1897

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation

LOK SABHA

The following Bill was introduced in Lok Sabha on the 30th January, 1976:—

Bill No. 31 of 1976

A Bill further to amend the Warehousing Corporations Act, 1962.

BE it enacted by Parliament in the Twenty-seventh Year of the Republic of India as follows:—

1. This Act may be called the Warehousing Corporations (Amendment) Act, 1976. Short title.

58 of 1962. 2. In section 2 of the Warehousing Corporations Act, 1962 (hereinafter referred to as the principal Act),— Amendment of section 2.

(*a*) after clause (*d*), the following clause shall be inserted, namely:—

'(*dd*) "nationalised bank" means a corresponding new bank specified in the First Schedule to the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970;';

5 of 1970.

(*b*) in clause (*i*), the words ", and includes a nationalised bank" shall be inserted at the end.

3. In section 4 of the principal Act,— Amendment of section 4

(*a*) in sub-section (*1*), the following proviso shall be inserted at the end, namely:—

"Provided that the Central Government may, from time to time, by order notified in the Official Gazette, increase the authorised

share capital of the Central Warehousing Corporation to such extent and in such manner as that Government may determine.";

(*b*) in sub-section (*2*), in the opening sentence, for the words "The Central Government shall", the words "The Central Government shall, after due appropriation made by Parliament by law for the purpose," shall be substituted;

(*c*) in sub-section (*4*), for the words "the State Bank, any scheduled bank", the words "the State Bank or any other scheduled bank" shall be substituted.

Amendment of section 16.

4. In section 16 of the principal Act, in sub-section (*2*), after clause (*b*), the following clauses shall be inserted, namely:—

"(*c*) for meeting the expenses incurred in relation to the training of personnel, or publicity and propaganda, for the purpose of promoting warehousing and storage of agricultural produce and notified commodities;

(*d*) for meeting the expenses, including the salary, allowances and other remuneration of the officers and other employees, incurred in relation to the administration of the Warehousing Fund.".

Amendment of section 17.

5. In section 17 of the principal Act, in sub-section (*2*), the following proviso shall be inserted at the end, namely:—

"Provided that the General Fund shall not be applied for meeting the expenses referred to in clause (*c*) or clause (*d*) of sub-section (*2*) of section 16.".

Amendment of section 19.

6. In section 19 of the principal Act, in sub-section (*1*), the following proviso shall be inserted at the end, namely:—

"Provided that in respect of any State Warehousing Corporation the Central Government may, after consultation with the State Government concerned, from time to time and by order notified in the Official Gazette, increase the maximum limit of the authorised capital aforesaid to such extent and in such manner as the Central Government may determine.".

Amendment of section 27.

7. In section 27 of the principal Act, in sub-section (*2*),—

(*a*) in clause (*ii*), for the words and figures "the State Bank of India Act, 1955.", the words and figures "the State Bank of India Act, 1955, or" shall be substituted;

(*b*) after clause (*ii*), the following clauses shall be inserted, namely:—

"(*iii*) from any nationalised bank, or

(*iv*) from such insurance company, investment trust or other financial institution as may be approved by the Central Government in this behalf.".

Amendment of section 28.

8. In section 28 of the principal Act,—

(*a*) after the words "the State Bank", the words "or any nationalised bank" shall be inserted;

(*b*) for the words "any scheduled bank", the words "any other scheduled bank" shall be substituted.

Insertion of new section 31A.

9. In Chapter IV of the principal Act, after section 31, the following section shall be inserted, namely:—

Returns and reports.

"31A. A Warehousing Corporation shall furnish to the appropriate Government such returns, statistics, accounts and other information with respect to its property or activities as that Government may, from time to time, require.".

Amendment of section 41.

10. In section 41 of the principal Act,—

(*a*) in sub-section (*2*),—

(*i*) in clause (*e*), for the words, brackets and figures "within the limit specified in sub-section (*1*) of section 19", the words, brackets and figures "within the maximum limit specified by or under sub-section (*1*) of section 19" shall be substituted;

(*ii*) clause (*i*) shall be re-lettered, as clause (*j*), and before clause (*j*) as so re-lettered, the following clause shall be inserted, namely:—

"(*i*) the form and manner in which returns, statistics, accounts and other information are to be furnished, under section 31A, by a Warehousing Corporation;";

(*b*) in sub-section (*3*), for the words "if, before the expiry of the session in which it is so laid", the words "if before the expiry of the session immediately following the session" shall be substituted.

STATEMENT OF OBJECTS AND REASONS

The Warehousing Corporations Act, 1962, was enacted to provide for the incorporation and regulation of corporations for the purpose of warehousing of agricultural produce and certain other commodities and for matters connected therewith. Under the scheme of the Act, the Central Warehousing Corporation and State Warehousing Corporations, have been entrusted with the task of building of and providing scientific storage facilities in different parts of the country. With the growing activities of the Central and State Warehousing Corporations in providing scientific storage facilities, some difficulties have been experienced, which are now proposed to be removed. This has become particularly necessary in the context of creation of additional warehousing capacities during the Fifth Plan period. The authorised share capital of the Central Warehousing Corporation and of some of the State Warehousing Corporations has been fully paid up. Provision is therefore being made to empower the Central Government to increase the share capital of the Warehousing Corporations. At present a Warehousing Corporation can borrow money only from the Reserve Bank or State Bank, among the various financial institutions. The need for a Warehousing Corporation seeking finances from additional non-budgetary resources has also been felt. Provision is therefore being made to enable a Warehousing Corporation to borrow money also from nationalised banks or such other financial institutions as may be approved by the Central Government. Similarly, provision is being made to enable a Warehousing Corporation to deposit money in any nationalised bank in the same manner as in the Reserve Bank or State Bank. There is no provision in the Act for meeting from the Warehousing Fund, the expenditure incurred in relation to the administration of that Fund and this is being met from the General Fund. It is proposed to provide that expenditure incurred on the administration of the Warehousing Fund and on the training of personnel and publicity and propaganda for the promotion of warehousing scheme in relation to agricultural produce and notified commodities shall be met out of the Warehousing Fund. In pursuance of Government's decision on the recommendations of Administrative Reforms Commission provision is also being made for submission by the Warehousing Corporation of such returns, statistics, accounts and other information with respect to its property and activities as Government may require. Opportunity is also being taken to amend the rule laying formula to bring it in conformity with the recommendation of the Committee on Subordinate Legislation.

2. The Bill seeks to achieve the above objects.

NEW DELHI; JAGJIVAN RAM.

The 27th December, 1975.

PRESIDENT'S RECOMMENDATION UNDER ARTICLE 117 OF THE CONSTITUTION OF INDIA

[Copy of letter No. 6-30/75-SG. dated the 21st January, 1976 from Shri Jagjivan Ram, Minister of Agriculture and Irrigation to the Secretary-General, Lok Sabha.]

The President, having been informed of the subject-matter of the Warehousing Corporations (Amendment) Bill, 1976 recommends to Lok Sabha the introduction and consideration of the Bill under clauses (1) and (3) of article 117 of the Constitution of India.

FINANCIAL MEMORANDUM

Sub-clause (a) of clause 3 of the Bill seeks to insert a proviso in sub-section (1) of section 4 of the Act so as to empower the Central Government to increase the share capital of the Central Warehousing Corporation to such extent as that Government may determine. At present the authorised share capital of the Central Warehousing Corporation is rupees 20 crores. The actual amount of additional investment by the Central Government in the share capital of the Central Warehousing Corporation will depend on budgetary provision made from year to year and likely participation by such institutions like State Bank, nationalised banks, co-operative societies, insurance companies, etc., as are authorised by the Act to participate in the equity capital of Central Warehousing Corporation. However, it is estimated that during the Fifth Plan period an additional investment of rupees 28 crores is likely to be made by the Central Government in the share capital of Central Warehousing Corporation.

2. Clause 4 of the Bill seeks to amend section 16(2) of the Act to authorise the meeting of the expenses incurred in relation to the administration of the Warehousing Fund and on training of personnel, and publicity and propaganda, for promotion of warehousing, out of the Warehousing Fund. A recurring expenditure of rupees 3 lakhs per annum is anticipated in this regard. This expenditure will be met from the Warehousing Fund and not from the Consolidated Fund of India.

3. Clause 6 of the Bill seeks to amend section 19(1) of the Act to empower the Central Government, to increase, after consultation with the State Government, the maximum limit of the authorised capital of any State Warehousing Corporation to such extent as the Central Government may determine. Though the Central Government is enabled to increase the authorised capital of any State Warehousing Corporation, the additional capital has to be subscribed by the State Government concerned and the Central Warehousing Corporation. The Central Warehousing Corporation will make the investment from the Funds at its disposal.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill seeks to amend section 41 of the Act which relates to the rule making power of the Government. In sub-section (2) thereof, clause (i) is being inserted to empower the making of rules regarding the form and manner in which returns, statistics, accounts and other information are to be furnished by a Warehousing Corporation. The delegation of power pertains to matters of detail and procedure and is of a normal character.

S. L. SHAKDHER,
Secretary-General.

PRINTED BY THE GENERAL MANAGER, GOVERNMENT OF INDIA PRESS, MINTO ROAD, NEW DELHI AND PUBLISHED BY THE CONTROLLER OF PUBLICATIONS, DELHI, 1976